

Wisler Pearlstine, LLP

Offices in Blue Bell ♦ Newtown

Blue Bell Executive Campus
460 Norristown Road, Suite 110
Blue Bell, Pennsylvania 19422-2323
610.825.8400 ♦ Fax 610.828.4887
www.wislerpearlstine.com

Joseph M. Blackburn, Esquire.
jblackburn@wispearl.com

November 9, 2015


United States Environmental Protection
Agency Region III
1650 Arch Street
Philadelphia, PA 19103-2029

RE: In re: Condemnation of 7.9 Acres of Land with the Improvements Thereon Located at
1725 Walnut Avenue, Springfield Township, Montgomery County, Pennsylvania of
which Tank Car Corporation of America is the Owner
Montgomery County Tax Parcel No: 52-00-17821-00-1

Dear Sir or Madam:

Pursuant to our records, you are a condemnee, mortgagee, or lienholder of record with regard to the above-referenced property. As such, pursuant to the Pennsylvania Eminent Domain Code, enclosed please find for service upon you Notice of Condemnation of the above-referenced property. Thank you very much and have a nice day.

Very truly yours,



JOSEPH M. BLACKBURN

JB/jbj

Enclosure

{01156545 }

ATTORNEYS AT LAW

Newtown Office:
Post Office Box 1186 ♦ 301 North Sycamore Street ♦ Newtown, Pennsylvania 18940 ♦ 215.579.5995 ♦ Fax 215.579.7909

JAMES J. GARRITY, ESQUIRE

Attorney I.D. No. 26926

JOSEPH M. BLACKBURN, ESQUIRE

Attorney I.D. No. 314041

WISLER PEARLSTINE, LLP

Blue Bell Executive Campus

460 Norristown Road, Suite 110

Blue Bell, Pennsylvania 19422

(610) 825-8400

Attorneys for Condemnor,
Springfield Township

IN RE: CONDEMNATION OF 7.9±	:	IN THE COURT OF COMMON PLEAS
ACRES OF LAND WITH THE	:	OF MONTGOMERY COUNTY, PA
IMPROVEMENTS THEREON AT 1725	:	
WALNUT AVENUE, SPRINGFIELD	:	
TOWNSHIP, MONTGOMERY COUNTY,	:	No. 2015-28935
PENNSYLVANIA, OF WHICH TANK	:	
CAR CORPORATION OF AMERICA IS	:	PROCEEDING IN REM
THE OWNER AND CONDEMNEE	:	EMINENT DOMAIN
	:	

NOTICE OF FILING OF DECLARATION OF TAKING

To: United States Environmental Protection Agency, Region III:

In accordance with Section 305 of the Eminent Domain Code of Pennsylvania, 26 Pa.C.S.A. §305, the Township of Springfield (hereinafter "Township") notifies you that:

1. A Declaration of Taking, a copy of which is attached hereto and made a part hereof as Exhibit "A", was filed on October 30, 2015 in the Court of Common Pleas of Montgomery County at the above court term and number, whereupon a fee simple absolute interest in premises located at 1725 Walnut Avenue, Springfield Township, Montgomery County, Pennsylvania was condemned by the Township, 1510 Paper Mill Road, Wyndmoor, Montgomery County, Pennsylvania 19038. Identification of the property which was condemned appears on Exhibit "B" of the Declaration of Taking.

2. The property, of which Tank Car Corporation of America was the owner, has been condemned for the public purpose of making, establishing, enlarging, and maintaining public parks,

playgrounds, and recreation areas within the Township, as authorized by the First Class Township Code, Article XIX, 53 P.S. §56901, and Article XXX, 53 P.S. §58001.

3. On September 8, 2015, the Board of Commissioners of the Township adopted Resolution No. 1357, whereby the Board selected and appropriated said premises and directed the filing of a Declaration of Taking for the public purpose of making, establishing, enlarging, and maintaining public parks, playgrounds, and recreation areas within the Township, which Resolution may be examined at the office of the Condemnor, 1510 Paper Mill Road, Wyndmoor, Montgomery County, Pennsylvania 19038.

4. A plan depicting the condemned property is attached to the Declaration of Taking as Exhibit "B".

5. A plan depicting the condemned property may also be inspected at the office of the Recorder of Deeds of and for the County of Montgomery, One Montgomery Plaza, Third Floor, Suite 303, Norristown, Pennsylvania 19404.

6. Just compensation for the condemnation of said premises is secured by the power of taxation of the Township, whereupon the funds raised, or lawful to be so raised, are deemed pledged and made security for the payment of the damages as shall be determined by law.

7. If you wish to challenge the power or the right of the Township to appropriate the condemned property, the sufficiency of the security, the procedure followed by the Condemnor, or the Declaration of Taking, you are required to file preliminary objections within thirty (30) days after being served with this Notice. All defenses and objections not so presented are waived.

[Signature page to follow]

WISLER PEARLSTINE, LLP

By: _____

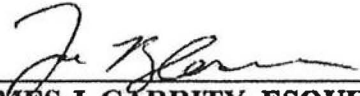

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JOSEPH M. BLACKBURN, ESQUIRE
Blue Bell Executive Campus
460 Norristown Road, Suite 110
Blue Bell, PA 19422
(610) 825-8400
Attorneys for the
Township of Springfield, Condemnor

EXHIBIT "A"

{01155206 }

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet

MONTGOMERY

County

For Prothonotary Use Only:

Docket No:

2015-28935

TIME STAMP

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Commencement of Action:

- ☐ Complaint ☐ Writ of Summons ☐ Petition
☐ Transfer from Another Jurisdiction ☒ Declaration of Taking

Lead Plaintiff's Name:

IN RE: CONDEMNATION OF 7.9 ACRES OF LAND WITH

Lead Defendant's Name:

TANK CAR CORPORATION OF AMERICA

Are money damages requested? ☐ Yes ☒ No

Dollar Amount Requested: ☐ within arbitration limits
(check one) ☐ outside arbitration limits

Is this a Class Action Suit? ☐ Yes ☒ No

Is this an MDJ Appeal? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: JAMES J. GARRITY, ID NO. 26926 JOSEPH M. BLACKBURN, ID NO. 314041

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

Nature of the Case: Place an "X" to the left of the **ONE** case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☐ Other:

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other

- ☐ Employment Dispute:
Discrimination
☐ Employment Dispute: Other

☐ Other:

CIVIL APPEALS

- Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal: Other

- ☐ Zoning Board
☐ Other:

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other:

REAL PROPERTY

- ☐ Ejectment
☒ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other:

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations
Restraining Order
☐ Quo Warranto
☐ Replevin
☐ Other:

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional:



2015-28935-0000 10/30/2015 3:20 PM # 10538538

Declaration of Taking Eminent Domain Govt

Rept/2015-6-03104 Fee:\$62.50

Mark Levy - MontCo Prothonotary

Updated 1/1/2011

CH

JAMES J. GARRITY, ESQUIRE
Attorney I.D. No. 26926
JOSEPH M. BLACKBURN, ESQUIRE
Attorney I.D. No. 314041
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IN RE: CONDEMNATION OF 7.9±	:	IN THE COURT OF COMMON PLEAS
ACRES OF LAND WITH THE	:	OF MONTGOMERY COUNTY, PA
IMPROVEMENTS THEREON AT 1725	:	
WALNUT AVENUE, SPRINGFIELD	:	
TOWNSHIP, MONTGOMERY COUNTY,	:	No. 2015- 08935
PENNSYLVANIA, OF WHICH TANK	:	
CAR CORPORATION OF AMERICA IS	:	PROCEEDING IN REM
THE OWNER AND CONDEMNEE	:	EMINENT DOMAIN
	:	
TANK CAR CORPORATION OF	:	
AMERICA, CONDEMNEE	:	
1252 Fort Washington Avenue	:	
Fort Washington, PA 19034	:	

DECLARATION OF TAKING

Springfield Township hereby files this Declaration of Taking based on the provisions of Chapter 3, Section 302, of the Pennsylvania Eminent Domain Code ("Code"), 26 Pa.C.S. §302, and in support thereof represents the following:

1. The Condemnor is Springfield Township ("Township"), a township of the first class, duly organized under the laws of the Commonwealth of Pennsylvania, acting through its Board of Commissioners, with an office located at 1510 Paper Mill Road, Wyndmoor, Montgomery County, Pennsylvania 19038.

2. Condemnor has resolved to condemn approximately 7.9± acres of land and the improvements thereon, located at 1725 Walnut Avenue, in Springfield Township, Montgomery

County, Pennsylvania, being located on, in and through Montgomery County Tax Parcel Identification No. 52-00-17821-00-1 (the "Property").

3. This condemnation is authorized by the First Class Township Code, Article XIX, 53 P.S. §56901, and Article XXX, 53 P.S. §58001.

4. The taking described herein has been authorized by Township Resolution No. 1357, which was duly adopted by the Township Board of Commissioners on September 8, 2015. A true and correct copy of said Resolution is attached hereto, made a part hereof and is marked as Exhibit "A". The original of said Resolution and the record of its adoption may be examined at the above-identified office of the Township during normal business hours.

5. The purpose of the within condemnation is to acquire the Property described above and in the attached exhibits for the public purpose of making, establishing, enlarging, and maintaining public parks, playgrounds, and recreation areas within the Township.

6. A plan depicting the Property sufficiently enough for its identification is attached hereto and incorporated herein by reference as Exhibit "B". The plan showing the Property is on even date herewith being recorded in the office of the Recorder of Deeds in and for Montgomery County in accordance with §304 of the Code, and may also be inspected at the above-identified office of the Township.

7. The nature of the title acquired in and to the Property is fee simple absolute.

8. Just compensation for the taking of the Property in this matter is secured by the power of taxation of the Township, and the funds raised, or lawfully to be so raised, are deemed pledged and are hereby made security for the payment of damages as shall be determined by law.

WHEREFORE, the Township of Springfield declares the within-described Property condemned and appropriated for the public purposes mentioned herein.

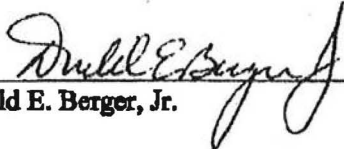
WISLER PEARLSTINE, LLP

By: 
JAMES J. GARRITY, ESQUIRE
JOSEPH M. BLACKBURN, ESQUIRE
Blue Bell Executive Campus
460 Norristown Road, Suite 110
Blue Bell, PA 19422
(610) 825-8400
Attorneys for the
Township of Springfield, Condemnor

Date: October 30, 2015

VERIFICATION

I, Donald E. Berger, Jr., Secretary and Township Manager of Springfield Township, do hereby depose, swear and affirm that I am authorized by and do hereby execute this Declaration of Taking on behalf of the Township of Springfield, Montgomery County, Pennsylvania, and that the averments contained and set forth herein are true and correct to the best of my knowledge, information and belief, and are made subject to penalties provided in 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.



Donald E. Berger, Jr.



2015-28935-0000 10/30/2015 3:20 PM # 10538614
Declaration of Taking Eminent Domain Govt
Rcpt#2015-6-03104 Fee:\$62.50 Exhibit A
Mark Levy - MontCo Prothonotary

EXHIBIT "A"

TOWNSHIP OF SPRINGFIELD
MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA

RESOLUTION NO. 1357

**AUTHORIZING THE CONDEMNATION OF A CERTAIN
PARCEL OF LAND AND IMPROVEMENTS THEREON
LOCATED AT 1725 WALNUT AVENUE, SPRINGFIELD
TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA**

WHEREAS, the First Class Township Code, 53 P.S. §55101, *et seq.*, Sections 56901 and 58001, grant Townships of the First Class the authority to acquire property via condemnation for the public purpose of making, establishing, enlarging, and maintaining public parks, playgrounds, and recreation areas; and

WHEREAS, the Township of Springfield's ("Township") 2008 Park and Recreation Connections Plan, 2014 Comprehensive Plan, and 2005 Open Space Plan each identify a Township objective of acquiring additional properties for the public purpose of making, establishing, enlarging, and maintaining public parks, playgrounds, and recreation areas; and

WHEREAS, the Township's 2008 Park and Recreation Connections Plan and 2005 Open Space Plan each specifically identify that parcel of land located at 1725 Walnut Avenue, Springfield Township, Montgomery County, Pennsylvania, being Montgomery County tax parcel number 52-00-17821-00-1 (the "Property"), as a property that would be desirable and suitable for acquisition for the public purpose of making, establishing, enlarging, and maintaining public parks, playgrounds, and recreation areas; and

WHEREAS, the Township, being a Township of the First Class, has determined that it is in its best interest of the public to acquire the Property for the public purpose of making, establishing, enlarging, and maintaining public parks, playgrounds, and recreation areas, and for other municipal purposes; and

WHEREAS, the Board of Commissioners of the Township (the "Board") intends to authorize the acquisition of the Property through condemnation for the public purpose of making, establishing, enlarging, and maintaining public parks, playgrounds, and recreation areas, and for other municipal purposes; and

NOW, THEREFORE, be it resolved that the Board hereby authorizes the condemnation in fee simple of the entirety of the Property for the public purpose of making, establishing, enlarging, and maintaining public parks, playgrounds, and recreation areas, and for other municipal purposes. Further, the Board authorizes the Township Solicitor to prepare and file the appropriate documents in order to accomplish the same and the Township Manager is hereby authorized to execute any documents necessary to accomplish the same.

[Signature page to follow]

ADOPTED this 8TH day of SEPTEMBER, 2015.

**BOARD OF COMMISSIONERS OF
THE TOWNSHIP OF SPRINGFIELD**

By: [Signature]
JAMES E. DAILEY, PRESIDENT

Attest: [Signature]
DONALD E. BERGER, JR., SECRETARY

THIS IS TO CERTIFY that the foregoing Resolution No. 1357 was
unanimously adopted by the Springfield Township Board of Commissioners at
a regularly scheduled meeting of the Board held on September 8, 2015, and
that same has been duly recorded in the official Minute Book of the
Township.

(SEAL)

[Signature]
Secretary



2015-28935-0000 10/30/2015 3:20 PM # 10538615
Declaration of Taking Eminent Domain Govt

Rcpt#2015-6-03104 Fee:\$62.50 Exhibit B
Mark Levy - MontCo Prothonotary

EXHIBIT "B"



GENERAL NOTES:

- BOUNDARY INFORMATION TAKEN FROM CHELTENHAM TRANSPORTATION, LLC LAND DEVELOPMENT PLAN (SHEET 1 OF 6) DATED APRIL 9, 2015 PREPARED BY PROTRACT ENGINEERING, INC. EXISTING FEATURES INFORMATION FROM DELAWARE VALLEY REGIONAL PLANNING COMMISSION 2010 AERIAL IMAGE.
- PROPERTY INFORMATION: TAX PARCEL NO. 52-00-17821-00-1
TAX BLOCK 52, UNIT 12
DEED BOOK 836, PAGE 146
1725 WALNUT AVENUE, ORELAND, PA 19075
TOTAL LOT AREA: 335,526 SF (7.7026 AC.)
ZONED I - INDUSTRIAL DISTRICT

TMP 52-00-17821-00-1 SPRINGFIELD TOWNSHIP MONTGOMERY COUNTY, PENNSYLVANIA SPRINGFIELD TOWNSHIP 1510 PAPER MILL ROAD WYNDMOOR, PA 19038		SITE LOCATION MAP Boucher & James, Inc. CONSULTING ENGINEERS DOYLESTOWN STROUDSBURG CORPORATE HEADQUARTERS: 1455 FERRY RD, BLOC. 500 DOYLESTOWN, PA 18901 www.bjengineers.com			
DR. BY:	CK. BY:	SCALE:	DATE:	JOB No.	SHEET:
TMW	MWE	1" = 150'	09/11/2015	9840000	1 OF 1

C:\1888\9840000\Task_Cor_Planet\Aerial\Aerial Map.dwg 11/11/2015 11:11:11 AM 11/11/2015 11:11:11 AM